

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

**Joseph Carpec**  
**Linda L. Carpec**  
Debtor(s)

Bankruptcy Case No.: 16-10550-TPA  
Per November 29, 2016 Proceeding  
Chapter: 13  
Docket No.: 43 - 14  
Concil. Conf.: June 20, 2017 at 10:30 AM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED  
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

**(1.) PLAN CONFIRMATION:**

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated July 5, 2016 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☒ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on Jun. 20, 2017 at 10:30 AM, in Bankruptcy Courtroom, U.S. Courthouse, 17 South Park Row, Erie, PA 16501.*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☒ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: Mercer County Tax Claim Bureau (Claim No. 3) and Internal Revenue Service (Claim No. 1) .
- ☐ H. Additional Terms:

**(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:**

**A. Objections to the Plan.** Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

**B. Applications to retain brokers, sales agents, or other professionals.** If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

**C. Review of Claims Docket and Objections to Claims.** Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

**D. Motions or Complaints Pursuant to §§506, 507 or 522.** All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

**E. Filing Amended Plans.** Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

**A.** After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

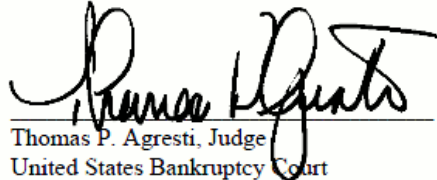
**B.** Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

**C.** Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

**D.** Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

**E.** The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

**F.** In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.



Thomas P. Agresti, Judge  
United States Bankruptcy Court

Dated: December 5, 2016

cc: All Parties in Interest to be served by Clerk in seven (7) days

**Certificate of Notice Page 4 of 5**  
 United States Bankruptcy Court  
 Western District of Pennsylvania

In re:  
 Joseph Carpec  
 Linda L. Carpec  
 Debtors

Case No. 16-10550-TPA  
 Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0315-1

User: vson  
 Form ID: 149

Page 1 of 2  
 Total Noticed: 60

Date Rcvd: Dec 05, 2016

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Dec 07, 2016.

db/jdb  
 14241938 +Joseph Carpec, Linda L. Carpec, 196 Fetsko Road, West Middlesex, PA 16159-2408  
 14254530 +Bank Of America, Nc4-105-03-14, Po Box 26012, Greensboro, NC 27420-6012  
 14241959 +Berkheimer Tax Administrator, PO Box 955, 50 North 7th Street, Bangor, PA 18013-1731  
 14273358 +CONTINENTAL FINANCE COMPANY LLC, PO BOX 8099, NEWARK DE 19714-8099  
 (address filed with court: Mabt / Contfin, PO Box 8099, Newark, DE 19714)  
 14241939 CW Nexus Credit Card Holdings 1, LLC, Resurgent Capital Services, PO Box 10368,  
 Greenville, SC 29603-0368  
 14241939 +Capital One, Po Box 30285, Salt Lake City, UT 84130-0285  
 14241940 +Capital One / Justice, Capital One Retail Services, Po Box 30285,  
 Salt Lake City, UT 84130-0285  
 14266838 Capital One Bank (USA), N.A., PO Box 71083, Charlotte, NC 28272-1083  
 14304389 Capital One NA, c/o Becket and Lee LLP, PO Box 3001, Malvern PA 19355-0701  
 14241941 +Citibank North America, Centralized Bankruptcy, Po Box 790040, Saint Louis, MO 63179-0040  
 14241943 +Comenity Bank / Maurices, Po Box 182125, Columbus, OH 43218-2125  
 14241944 Comenity Bank / Victoria Secret, Po Box 18215, Columbus, OH 43218  
 14241947 +Ditech LLC, Po Box 6172, Rapid City, SD 57709-6172  
 14241948 +Everhome Mortgage Co / Ever Bank, Attn: Bankruptcy Department, 301 West Bay Street,  
 Jacksonville, FL 32202-5184  
 14241949 +First National Credit Card / Legacy, PO Box 5097, Sioux Falls, SD 57117-5097  
 14241950 +First Premier Bank, 601 South Minnesota Avenue, Sioux Falls, SD 57104-4868  
 14241951 +First Savings Credit Card, Po Box 5019, Sioux Falls, SD 57117-5019  
 14254531 +First Select Inc, 1600 Ormsby Station Ct, Louisville, KY 40223-4039  
 14241952 +Fnb Consumer Discount Company, 908 Park Avenue, Meadville, PA 16335-3331  
 14241953 +Fsb Blaze, 5501 South Broadband Lane, Sioux Falls, SD 57108-2253  
 14241957 +KML Law Group PC, Suite 5000 - BNY Independence Center, 701 Market Street,  
 Philadelphia, PA 19106-1538  
 14305005 +MIDLAND FUNDING LLC, PO Box 2011, Warren, MI 48090-2011  
 14241960 +Mariner Finance, 8211 Town Center Drive, Nottingham, MD 21236-5904  
 14254532 +Mercer County Tax Claim Bureau, 104 Mercer County Courthouse, Mercer, PA 16137-1224  
 14268011 +Mercer County Tax Claim Bureau, 3 Mercer County Courthouse, Mercer, PA 16137-1223  
 14241969 +Verizon, 500 Technology Drive, Suite 500, Weldon Spring, MO 63304-2225  
 14241970 +Webbank / Gettington, 215 South State Street, Suite 1000, Salt Lake City, UT 84111-2336

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

cr  
 E-mail/PDF: rmscedi@recoverycorp.com Dec 06 2016 01:58:16  
 Recovery Management Systems Corporation, 25 S.E. Second Avenue, Suite 1120,  
 Miami, FL 33131-1605  
 14293310 E-mail/PDF: EBN\_AIS@AMERICANINFOSOURCE.COM Dec 06 2016 02:10:44  
 American InfoSource LP as agent for, Verizon, PO Box 248838,  
 Oklahoma City, OK 73124-8838  
 14324335 +E-mail/Text: bankruptcy@cavps.com Dec 06 2016 02:08:35 Cavalry SPV I, LLC,  
 500 Summit Lake Drive, Ste 400, Valhalla, NY 10595-1340  
 14241942 +E-mail/Text: bankruptcy@jdbbyrider.com Dec 06 2016 02:08:59 Cnac - In101,  
 12802 Hamilton Crossing, Carmel, IN 46032-5424  
 14241945 +E-mail/Text: creditonebknofications@resurgent.com Dec 06 2016 02:07:47 Credit One Bank Na,  
 Po Box 98873, Las Vegas, NV 89193-8873  
 14241946 +E-mail/Text: bankruptcy.bnc@ditech.com Dec 06 2016 02:07:53 Ditech Financial LLC,  
 Po Box 6172, Rapid City, SD 57709-6172  
 14325399 E-mail/Text: bankruptcy.bnc@ditech.com Dec 06 2016 02:07:53  
 Ditech Financial LLC fka Green Tree Servicing LLC, P.O. Box 6154,  
 Rapid City, South Dakota 57709-6154  
 14241955 +E-mail/Text: cio.bncmail@irs.gov Dec 06 2016 02:07:52 Internal Revenue Service,  
 Centralized Insolvency Operations, PO Box 7346, Philadelphia, PA 19101-7346  
 14241958 +E-mail/Text: bnckohlsnotices@becket-lee.com Dec 06 2016 02:07:49 Kohls / Capital One,  
 Po Box 3120, Milwaukee, WI 53201-3120  
 14295836 E-mail/PDF: resurgentbknofications@resurgent.com Dec 06 2016 01:58:16  
 LVNV Funding, LLC its successors and assigns as, assignee of FNBM, LLC,  
 Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587  
 14241961 +E-mail/Text: bkr@cardworks.com Dec 06 2016 02:07:42 Merrick Bank / Geico Card,  
 Po Box 23356, Pittsburgh, PA 15222-6356  
 14280130 +E-mail/PDF: cbp@onemainfinancial.com Dec 06 2016 01:57:33 ONEMAIN FINANCIAL, PO BOX 70912,  
 CHARLOTTE, NC 28272-0912  
 14241962 +E-mail/PDF: cbp@onemainfinancial.com Dec 06 2016 01:58:10 Onemain Financial,  
 6801 Colwell Boulevard, Ntsb-2320, Irving, TX 75039-3198  
 14241963 +E-mail/Text: pennstarfcu@neohio.twcbc.com Dec 06 2016 02:08:46  
 Pennstar Federal Credit Union, 4139 East State Street, Hermitage, PA 16148-3402  
 14321672 +E-mail/Text: JCAP\_BNC\_Notices@jcap.com Dec 06 2016 02:08:33 Premier Bankcard, Llc,  
 c o Jefferson Capital Systems LLC, Po Box 7999, Saint Cloud Mn 56302-7999  
 14273312 E-mail/Text: bnc-quantum@quantum3group.com Dec 06 2016 02:08:00  
 Quantum3 Group LLC as agent for, Comenity Bank, PO Box 788, Kirkland, WA 98083-0788  
 14285678 E-mail/Text: bnc-quantum@quantum3group.com Dec 06 2016 02:08:00  
 Quantum3 Group LLC as agent for, Sadino Funding LLC, PO Box 788,  
 Kirkland, WA 98083-0788

District/off: 0315-1

User: vson  
Form ID: 149

Page 2 of 2  
Total Noticed: 50

Date Rcvd: Dec 05, 2016

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued)

14247694 E-mail/PDF: rmscedi@recoverycorp.com Dec 06 2016 01:57:35  
Recovery Management Systems Corporation, 25 S.E. 2nd Avenue, Suite 1120,  
Miami, FL 33131-1605  
14241964 +E-mail/PDF: gecsed@recoverycorp.com Dec 06 2016 01:57:51 Synchrony Bank / American Eagle,  
Attn: Bankruptcy, Po Box 103104, Roswell, GA 30076-9104  
14241965 +E-mail/PDF: gecsed@recoverycorp.com Dec 06 2016 01:57:52 Synchrony Bank / JCPenneys,  
Attn: Bankruptcy, Po Box 103104, Roswell, GA 30076-9104  
14241966 +E-mail/PDF: gecsed@recoverycorp.com Dec 06 2016 01:58:11 Synchrony Bank / Old Navy,  
Attn: Bankruptcy, Po Box 103104, Roswell, GA 30076-9104  
14241967 +E-mail/PDF: gecsed@recoverycorp.com Dec 06 2016 01:58:11 Synchrony Bank / Sams,  
Attn: Bankruptcy, Po Box 103104, Roswell, GA 30076-9104  
14241968 +E-mail/PDF: gecsed@recoverycorp.com Dec 06 2016 01:57:33 Synchrony Bank / Walmart,  
Attn: Bankruptcy, Po Box 103104, Roswell, GA 30076-9104

TOTAL: 23

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*

cr Ditech Financial LLC  
14241956\* +Internal Revenue Service, William Moor-Head Building, 1000 Liberty Avenue, Room 806,  
Pittsburgh, PA 15222-4027  
14241954\* Internal Revenue Service, Insolvency Unit, PO Box 628, Pittsburgh, PA 15230  
TOTALS: 1, \* 2, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address  
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Dec 07, 2016

Signature: /s/Joseph Speetjens

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## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on December 5, 2016 at the address(es) listed below:

Celine P. DerKrikorian on behalf of Creditor Ditech Financial LLC ecfdmail@mwc-law.com  
Daniel P. Foster on behalf of Debtor Joseph Carpec dan@mrdebtbuster.com,  
clarissa@mrdebtbuster.com; fosterlaw@ecf.inforuptcy.com; anne@ecf.inforuptcy.com  
Daniel P. Foster on behalf of Joint Debtor Linda L. Carpec dan@mrdebtbuster.com,  
clarissa@mrdebtbuster.com; fosterlaw@ecf.inforuptcy.com; anne@ecf.inforuptcy.com  
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov  
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 5